

REMARKS

The non-final Office Action dated April 3, 2009 notes that the finality of the previous office action has been withdrawn and new grounds of rejection are presented: claims 1-10, 12, 18-27 and 33 stand rejected under 35 U.S.C. § 103(a) over Birru (U.S. Patent Pub. 2002/0037058) in view of Raghaven (U.S. Patent No. 6,115,418); claims 11 and 28 stand rejected under 35 U.S.C. § 103(a) over the '058 and '418 references in view of Johnson (U.S. Patent No. 5,808,574); and claim 17 stands rejected under 35 U.S.C. § 103(a) over the '058 and '418 references in view of Thomas (U.S. Patent Pub. 2004/0013084). Applicant respectfully traverses all claim rejections, and further does not acquiesce to any averment made in the Office Actions of record, unless Applicant explicitly states otherwise.

Applicant respectfully traverses all of the § 103(a) rejections because the cited '418 reference either alone or in combination with the '058 reference lacks correspondence. For example, none of the asserted references teaches the claimed invention "as a whole" (§ 103(a)) including aspects regarding, *e.g.*, an adding means for adding the output signal of said feedback filter means to the output signal of said first section and/or a feedback filter means for performing a linear filtering of a signal derived from an output signal of said second section. In contrast, at page 4, the Office acknowledges that the '418 reference has decision feedback equalization as opposed to linear filtering (*see* '418 reference at Col. 5:19-25; Col. 6:11-15). As a further example, neither reference teaches aspects regarding an operable set of first and second sections as claimed. In contrast, the '418 reference teaches an MLT3 input/output signal from which no compatible information can be held in connection with the embodiment of Fig. 12 of the '058 reference. *See* the '418 reference at Col. 1:41-45; Col. 2:1-14. Because neither of the references teaches these aspects, no reasonable combination of the references can provide correspondence. As such, the § 103 rejection fails.

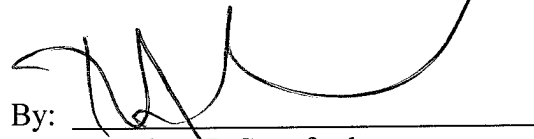
Applicant further also traverses the § 103 rejections because the cited references teach away from the Office Action's proposed combination. Consistent with the recent Supreme Court decision, *M.P.E.P.* § 2143.01 explains the long-standing principle that a § 103 rejection cannot be maintained when the asserted modification undermines either the operation or the purpose of the main ('418) reference - the rationale being that the prior art teaches away from such a modification. *See KSR Int'l Co. v. Teleflex, Inc.*, 127

S. Ct. 1727, 1742 (2007) (“[W]hen the prior art teaches away from combining certain known elements, discovery of a successful means of combining them is more likely to be non-obvious.”). Applicant submits that the combination would render the invention inoperable because relied upon aspects of the ‘418 reference operate on MLT signaling whereas the ‘058 reference teaches (relied upon) a conventional time-domain set of inputs and outputs; the two approaches are inoperable as asserted. Under M.P.E.P. § 2143.01, the rejection cannot be maintained.

In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Peter Zawilski, of NXP Corporation at (408) 474-9063.

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